

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

City of Toledo)	
)	
Complainants,)	
)	
v.)	CASE NO. 14-1944-EL-CSS
)	
FirstEnergy Solutions Corp.)	
)	
Respondent.)	

DEFENDANT FIRSTENERGY SOLUTIONS CORP.’S ANSWER TO COMPLAINT

For its Answer to Complainants’ Complaint, Respondent FirstEnergy Solutions Corp.
 (“FES”) states as follows:

1. FES admits the allegations contained in Paragraph 1 of the Complaint.
2. FES admits the allegations contained in Paragraph 2 of the Complaint.
3. FES denies the allegations contained in Paragraph 3 of the Complaint.
4. FES admits the allegations contained in Paragraph 4 of the Complaint.
5. FES admits the allegations contained in Paragraph 5 of the Complaint.
6. FES admits it sent the letter attached to Complaint as Exhibit 2. This letter speaks for itself. FES denies any remaining allegations in Paragraph 6 of the Complaint.
7. FES admits it sent the letter attached to Complaint as Exhibit 2. This letter speaks for itself. FES denies any remaining allegations in Paragraph 7 of the Complaint.
8. FES denies the allegations contained in Paragraph 8 of the Complaint.
9. FES denies the allegations contained in Paragraph 9 of the Complaint.

10. FES admits it has the right to pass through charges pursuant to Sections 31 and 32 of the Contract. FES denies any remaining allegations in Paragraph 10 of the Complaint.

11. FES admits Sections 18 and 28 of the Contract speak for themselves. FES denies any remaining allegations in Paragraph 11 of the Complaint.

12. FES admits it received the document attached to the Complaint as Exhibit 3. FES denies any remaining allegations in Paragraph 12 of the Complaint.

13. FES admits it received the document attached to the Complaint as Exhibit 4. FES denies any remaining allegations in Paragraph 13 of the Complaint.

14. FES admits that Toledo filed comments in Case No. 14-568-EL-COI. FES denies any remaining allegations in Paragraph 14 of the Complaint.

15. FES admits it sent the invoices attached as Exhibit 5. FES denies the handwriting on this letter is from FES. FES denies any remaining allegations in Paragraph 15 of the Complaint.

16. FES admits Ulmer Berne LLP sent the letter attached as Exhibit 6. FES denies any remaining allegations in Paragraph 16 of the Complaint.

17. FES admits Toledo sent the letter attached as Exhibit 7. FES denies any remaining allegations in Paragraph 17 of the Complaint.

18. FES admits it received the letter attached as Exhibit 8. FES denies any remaining allegations in Paragraph 18 of the Complaint.

19. FES admits it sent the notice attached as Exhibit 9. FES denies any remaining allegations in Paragraph 19 of the Complaint.

20. FES denies the allegations contained paragraph 20 of the Complaint for lack of knowledge or information sufficient to form a belief as to their truth.

ALLEGATIONS

21. FES incorporates all the preceding paragraphs as if fully rewritten herein.
22. FES denies the allegations contained in Paragraph 22 of the Complaint.
23. FES denies the allegations contained in Paragraph 23 of the Complaint.
24. FES denies the allegations contained in Paragraph 24 of the Complaint.
25. FES denies the allegations contained in Paragraph 25 of the Complaint.
26. FES denies the allegations contained in Paragraph 26 of the Complaint.
27. FES denies the allegations contained in Paragraph 27 of the Complaint.
28. FES denies the allegations contained in Paragraph 28 of the Complaint.

AFFIRMATIVE DEFENSES

FES hereby sets forth its affirmative defenses to the claims asserted in the Complaint as follows:

29. Complainants claims are barred in whole or in part for failure to state a claim upon which relief can be granted.

30. Complainants claims are barred in whole or in part because the Commission does not have jurisdiction over the terms of a contract, including but not limited to the price term, between a CRES provider and its customers.

31. The Complaint fails to set forth reasonable grounds for complaint, as required by R.C. § 4905.26.

Respectfully Submitted,

/s/ Mark A. Hayden

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CERTIFICATE OF SERVICE

I certify that this *Answer* was filed electronically through the Docketing Information System of the Public Utilities Commission of Ohio on this 24th day of November, 2014. The PUCO's e-filing system will electronically serve notice of the filing of this document on all parties.

N. Trevor Alexander
One of Attorneys for FirstEnergy Solutions Corp.

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 14-1944-EL-CSS

Summary: Answer electronically filed by Mr. Nathaniel Trevor Alexander on behalf of FirstEnergy Solutions Corp.